

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BRIAN T. ESPRITT,

Petitioner,

v.

A.K. SCRIBNER, Warden,

Respondent.

No. C 03-3675 MMC (PR)

**ORDER GRANTING MOTIONS  
FOR EXTENSIONS OF TIME;  
DENYING MOTION FOR  
RECONSIDERATION AND  
REQUEST FOR CERTIFICATE  
OF APPEALABILITY**

(Docket Nos. 32, 33, 35 and 37)

Petitioner, a California prisoner proceeding pro se, filed the above-entitled petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition was denied on its merits.

Petitioner has filed a motion for “rehearing,” which the Court construes as a motion for reconsideration.<sup>1</sup> Rule 60(b) provides for reconsideration where one or more of the following is shown: (1) mistake, inadvertence, surprise or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered before the court's decision; (3) fraud by the adverse party; (4) voiding of the judgment; (5) satisfaction of the judgment; (6) any other reason justifying relief. Fed. R. Civ. P. 60(b); School Dist. 1J v. ACandS Inc., 5 F.3d 1255, 1263 (9th Cir.1993). Subparagraph (6) requires a showing that the grounds justifying relief are extraordinary; mere dissatisfaction with the court's order or belief that the court is wrong in its decision are not adequate grounds for relief. See

<sup>1</sup>Petitioner’s motion for an extension of time in which to file said motion is GRANTED.

Petitioner has filed a request for a certificate of appealability pursuant to 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b). Petitioner has not shown “that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” Slack v. McDaniel, 120 S.Ct. 1595, 1604 (2000). Accordingly, the request for a certificate of appealability is DENIED.<sup>2</sup>

19 This order terminates Docket Nos. 32, 33, 35 and 37.

21 DATED: March 16, 2006

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